



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|  |   |   |
|--|---|---|
| Applicant's or agent's file reference<br><b>LEA33210-WO</b>  |   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)   |
| International application No.<br><b>PCT/EP00/02118</b>   | International filing date (day/month/year)<br><b>10/03/2000</b> | Priority date (day/month/year)<br><b>16/03/1999</b>   |
| International Patent Classification (IPC) or national classification and IPC<br><b>C07C233/02</b>  |   |   |
| Applicant<br><b>BAYER AKTIENGESELLSCHAFT et al</b>   |   |   |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>  |   |   |
| <p>3. This report contains Indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p> |   |   |
| Date of submission of the demand<br><b>26/09/2000</b>  |   | Date of completion of this report<br><b>29.03.2001</b>  |
| Name and mailing address of the international preliminary examining authority:<br> <b>European Patent Office</b><br><b>D-80298 Munich</b><br><b>Tel. +49 89 2399 - 0 Tx: 523656 pmu d</b><br><b>Fax: +49 89 2399 - 4465</b>   |   | Authorized officer<br><br><b>Cooper, S</b><br><br>Telephone No. <b>+49 89 2399 8323</b>  |

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP00/02118

**I. Basis of the report**

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*  
Description, pages:

1-15 as originally filed

**Claims, No.:**

1-7 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

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*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

|                               |      |        |     |
|-------------------------------|------|--------|-----|
| Novelty (N)                   | Yes: | Claims | 3-7 |
|                               | No:  | Claims | 1,2 |
| Inventive step (IS)           | Yes: | Claims | 3-7 |
|                               | No:  | Claims | 1,2 |
| Industrial applicability (IA) | Yes: | Claims | 1-7 |
|                               | No:  | Claims |     |

**2. Citations and explanations**  
**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY**

International application No. PCT/EP00/02118

**EXAMINATION REPORT - SEPARATE SHEET**

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D1: BRIAN E CROSS ET AL: 'Preparation of the 15,6alpha-Lactone from 8beta,13beta -Tetrahydroabietic acid' JOURNAL OF THE CHEMICAL SOCIETY, PERKIN TRANSACTIONS 1, vol. 12, 1981, pages 3158-3160, XP002100081

**Section V.**

- 1). Claims 1 and 2 lack novelty with respect to compound number 3 on p.3158 of D1.
- 2). No compounds of the formulae given in claim 3 could be located in the available prior art. They are novel.
- 3). The compounds according to claim 3 are anti-fouling agents. No suggestion that they have these properties can be found in the available prior art. They are inventive.
- 4). No indication could be found in the available prior art that the compounds according to claim 1 have anti-fouling properties. Their use as anti-fouling agents (claim 6), a method of controlling fouling using them (claim 4), anti-fouling compositions containing them (claim 6), and the preparation of such compositions (claim 7) are novel and inventive.

**Section VIII.**

No difference could be found between compounds I1 and I4 (claim 1 and p.3).

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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